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January 12, 2005

Brant S. Levine, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

BULK FILE

Re: MUR 5366: Edwards for President – Partial Response

Dear Brant:

This material constitutes a partial response.

If you have any questions, please feel to contact me at 202-778-4007.

Sincerely,



Lyn Utrecht
Patricia Fiori

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Response to Commission's Factual and Legal Analysis

The Commission has found reason to believe that EFP may have violated the Act by accepting corporate contributions and by accepting contributions made in the name of another. The Committee has responded to these allegations in its answers to the Commission's Interrogatories. In addition, the Committee offers the following response, which demonstrates that no violations occurred.

Corporate Contributions

The Commission alleges that a corporate contribution took place when Tab Turner used a Turner & Associates credit card to pay \$2357.88 in hotel and car rental expenses associated with fundraising events held in the Little Rock area on February 22, 2003. While these expenses were initially charged to that account, the Committee promptly reimbursed Turner & Associates when it discovered what had happened. The Committee had in place procedures which prohibited staff and consultants from accepting such in-kind contributions. Jennifer Kinder, the EFP consultant who initially checked into the hotel, did not specifically realize that the charges were on Mr. Turner's account. In addition, at the time the charges of \$2357.88 were incurred, Turner & Associates owed the Committee over \$3,000 in reimbursements for plane travel. Given this credit, and the Committee's prompt payment when the error was discovered, this violation should be dropped.

The Commission alleges that a corporate contribution took place when Turner & Associates employees assisted in planning and organizing the fundraising events in the Little Rock area. The Committee was not aware of the arrangements between the employees and the firm. Neither Committee staff nor any consultants directed the employees to assist in the fundraising. Hence, the Committee assumed that their participation was in accordance with the law. Moreover, the receptions occurred on a Saturday night, and not during normal working hours. Because the Committee was not involved in the conduct which is the basis for this allegation, this violation should be dropped.

Contributions in the Name of Another

The Commission concludes that the Committee accepted contributions in the name of another when Mr. Turner charged \$2000 on his own credit card for a contribution to EFP by his brother Neal. The Commission alleges that EFP was involved in this contribution because one person attending a fundraiser stated that Jennifer Kinder, an EFP consultant, asked Tab Turner for his credit card to make the contribution. The Committee had responded to these allegations in its answers to the Commission's Interrogatories.

Ms. Kinder did not ask Tab Turner for his credit card in order to charge his brother's contribution on that account. Ms. Kinder did not fill out the card number and expiration date on the donor card. She did assist Neal and Elizabeth Turner by writing

their address on their donor card and by filling out the line asking for "name on card." Ms. Kinder, who had never before met Neal Turner, wrote "C. Turner" in that space because she believed that to be his correct name. (Note that Tab Turner's credit card account is under the name "Tab Turner." See American Express bill provided in Committee's 1/13/05 Response to Question 1 at 026.) Ms. Kinder also secured the signatures of both Neal and Elizabeth Turner on their donor cards, which include the statement "All contributions must be made from personal funds and may not be reimbursed by any other person."

The Committee has shown that it had no involvement in any contributions which may have made in the name of another. Therefore, this violation should be dropped and the file on the matter closed.

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